THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.11896 of 1997

Dated: 06.07.2006

Between

Koganti Balaram

…..Petitioner

and

The Government of A.P.
represented by its Secretary,
Irrigation and Project Department,
Secretariat Building, Hyderabad and others

….Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.11896 of 1997

ORDER:

This writ petition is filed seeking a Mandamus declaring the proceedings of the 2nd respondent bearing No.300/Dy.S.O/95/JBM, dated 30.04.1997 as illegal and arbitrary.

It is the case of the petitioner that Kovvada drain is not a regular canal or drain maintained by the Department. It is a natural source of hill stream draining the flood waters and it causes flash floods. During floods, it discharges 13,500 cusecs of water. The course joins into Rallmadugu which in turn leads into Godavari West main canal which is the main frame of the Godavari Irrigation System. The Godavari Western main canal is the main source of irrigation having 4 lakhs acres through its 5 major irrigation canals namely Narasapur canal, Bank Canal, Gosthani Canal, Vayyeru Venkaiah Canal, Undi Canal and Eluru Canal. If the Kovvada kalva is allowed to discharge its flood water into the Godavari West Canal, not only the entire 4 lakh acres under its ayacut will be submerged but also the entire erstwhile Taluqs of Narsapur, Tanuku, Bhimavaram, Thadepalligudem and parts of Bhimadolu and Eluru Taluqs of West Godavari District will be affected due to floods. Therefore, the respondents should be restrained from taking up the improvements to Kovvada Kalva under Janmabhoomi programme.

A detailed counter-affidavit has been filed denying the

averments made by the petitioner. It has been asserted that the works on Kovvada Kalva under Janmabhoomi programme were grounded on 1.5.1997 by the local people's representatives in the presence of Commissioner for Panchayat Raj, Zilla Parishad Chairperson, District Collector and the farmers from the area. The people of the beneficiary villages have been advised to contribute their share against the total amount of Rs.3.62 crores sanctioned by the Government under Janmabhoomi programme and to cooperate in early completion of the works before the onset of monsoon season.

The learned Government Pleader submits that the work was taken up under Janmabhoomi programme and there is no stay granted by this Court and the works have already been completed and therefore, the writ petiton has become infructuous.

Recording the same, the writ petition is dismissed as infructuous. No costs.

_____

06.07.2006

rkk